

MINUTES OF THE CITY COUNCIL MEETING HELD DECEMBER 11, 2007, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS OF COTTONWOOD HEIGHTS

MEMBERS PRESENT: Mayor Kelvyn Cullimore, Councilman Don Antczak, Councilman Scott Bracken, Councilman Bruce Jones, Councilman Gordon Thomas

STAFF PRESENT: City Manager Liane Stillman, City Attorney Shane Topham, Deputy City Manager Kevin Smith, Finance Director David Muir, Mike Dolan, John Lovato

OTHERS PRESENT: Mike Watson, Dan Bartlett, Corbett Ford, Larry & Beverly Jensen, Stephanie Archibald, John Fassett, Robby Russo, Corbett Ford, Tristan Webb, Stacey Mayberry, Janelle Eurick, Paul Brenneman

1.0 WELCOME/PLEDGE/ACKNOWLEDGEMENTS

1.1 Mayor Cullimore opened the meeting at 7:05 p.m. and welcomed those attending.

1.2 The pledge of allegiance was led by Councilman Scott Bracken.

2.0 CITIZEN COMMENTS

2.1 No comments were received

3.0 REPORTS/PRESENTATIONS

3.1 Salt Lake County Sheriff's Report

3.1.1 Detective Ford reviewed the statistics for the month of November. There were 903 calls for service resulting in 571 cases being generated. Both criminal and non-criminal domestics were down this month; and frauds and stolen vehicles both increased from the previous month. Detective Ford stated that there was a heroin overdose of a 19 year old this month.

3.1.2 Lt. Fassett updated the Council on the incidents surrounding the SimplyMac Computer Store alarm and burglary where the deputies were outside the City resulting in a delayed response. He explained that the Metro Gang Task Force detectives had been searching for a dangerous suspect and located him in a traffic stop. The suspect got away by ramming one of the officer's cars and a pursuit began. Assistance was requested on the Wasatch channel and deputies were monitoring the pursuit as it happened. As it approached Cottonwood Heights, the two deputies on duty independently left the area to set up spikes in different places. The pursuit followed Van Winkle, and there was a crash at 3800 South 700 East. The on-duty watch commander found the accident and notified others that the occupants fled the car. The Cottonwood Heights deputies headed to where the foot pursuit was to begin. DMV enforcement, Sheriff's office, Salt Lake City, South Salt Lake, Taylorsville, South Jordan, West Jordan, Draper and the Highway Patrol all responded to assist once the pursuit went to a foot pursuit. One suspect was found hiding in a shed and the nearby house was contained in case the other suspect was there. Lt. Fassett explained that the sergeant was aware that both cars had left Cottonwood Heights and determined to monitor Cottonwood Heights for emergency calls at that time.

Lt. Fassett showed video footage of the burglaries at the SimplyMac Computer Store which occurred while the officers were out of the City. The alarm company called the Sheriff's office at

3:55 a.m. with standard information. The dispatcher held, but did not give the information to the patrol officers because they were not in their cars at the time she attempted to dispatch them. At 4:22 a.m. the sergeant on scene at the search noticed the alarm was holding and called dispatch. The watch commander decided that rather than pull the officers off of the search, he would have a west side car take the call. The sergeant from Kearns was dispatched at 4:27 a.m. and arrived at 4:39 a.m. to find that another burglary had occurred. Video footage of the second burglary was also shown. It does not appear the two burglaries were connected.

Lt. Fassett stated that he would address the following questions: Why were the deputies out of the City? What reasons would they go out of the city? What would justify them being out of the city for such an extended period of time? Why there was a delayed response to the alarm?

The policy is for deputies to remain in the City except for the following reasons: handling a Cottonwood Heights call such as taking a prisoner to jail or following up on a property case nearby; backing up another officer in the area; a felony in progress that requires an emergency response; or an officer safety issue. Lt. Fassett said that he talked to the sergeants that work at night and was told it is rare that there are no deputies in the city, probably about once a month. When it does occur, they generally shift and ask the Holladay officers to work closer to the city so that they can respond to any emergencies.

Several factors contributed to the officers being out of the city for an extended time and the delayed response to the alarm. The alarm call was never dispatched, but the dispatcher thought she had made the call to the officers. He said that the deputies are aware that they are responsible to stay in the city, but neither one was aware the other had been out. The watch commander has the choice to monitor the calls or to deploy the resources from the west side to the eastside. Lt. Fassett stated that supervisors and commanders involved need to consider keeping blanket coverage everywhere and if the resources are gone, replacing them.

- 3.1.3 Mayor Cullimore said that one of the obvious issues is balancing the need for back up against leaving the City without any coverage. He said that in this situation there was total engagement by all eastside deputies, so that the nearest coverage was 30 minutes away. He asked if there is a policy in place or being considered that states an entire area cannot be left without coverage so that no area is totally depleted of officers. He further commented that another contributing factor was that we had only two officers on duty instead of the normal complement of three. Lt. Fassett acknowledged that an officer was out on vacation that night.

Lt. Fassett said that the policy does not address keeping people in their areas and it is a flaw in the policy. He believes that there needs to be discretion by the supervisors and watch commanders.

- 3.1.4 Councilman Thomas said there has been discussion that there are 400 deputies that are ready and willing at a minutes notice, and questioned if they are ever called at home for an emergency.

Lt. Fassett said that officers are called out periodically.

- 3.1.5 Mayor Cullimore said that he understands the need for flexibility for the watch commander, but is disturbed that the city is without coverage on a monthly basis. He would like to see a more specific policy that provides guidelines for the watch commander in determining when any area would be left without officers.

- 3.1.6 City Manager Liane Stillman read the following from the contract with Salt Lake County, Section 3e "Exclusive Assignment" : "The County shall develop and maintain in effect policies to ensure that the deputies will work exclusively within the City limits, or on cases originating within the city limits". She said the contract is three years old and questioned why there is no policy on maintaining coverage.

Lt. Fassett said the policy is not on maintaining coverage, the policy is on staying in the city

Ms. Stillman asked the difference between staying in the city and maintaining coverage.

Lt. Fassett said that the policy addresses when you can leave, but it does not talk about the importance of maintaining coverage everywhere.

Ms. Stillman asked when the policy for maintaining coverage would be ready for review.

Lt. Fassett said there is a verbal policy, that they are not to leave except in certain circumstances and then they should return immediately.

Ms. Stillman said if Salt Lake City, South Salt Lake City, Taylorsville, South Jordan, West Jordan, Draper and the Highway Patrol responding, who is in charge.

Lt. Fassett said the Sheriff's watch commander is in charge.

Ms. Stillman asked if there was anyone responsible for Cottonwood Heights who was aware that officers were gone that long.

Lt. Fassett said the watch commander would know. He believes he was focused on the incident and did not think of redeploying resources where they needed to be redeployed.

Ms. Stillman said the city paid the price for being a contributor in this incident. While the city would like to find a way to be a contributor in such situations, it should never be at the cost of no coverage for that length of time.

Lt. Fassett said the watch commander was monitoring the calls and an alarm drop is a low priority call in comparison to a crime against a person, and if it were a crime against a person it would have been interrupted.

Ms. Stillman asked if all alarm drops are reported the same way.

Lt. Fassett said that dispatch is given whatever information is available. The information given was that there was glass breakage and motion sensor.

Ms. Stillman questioned what more is needed to know there is a burglary in process than glass breakage, motion sensor, at 3:00 a.m. in a business park with Christmas inventory.

Lt. Fassett said that an intrusion alarm at a business is not uncommon. Other false alarms that have been called in from this business have had the same indicators of the broken glass and motion detectors, and that information does not necessarily mean it is a 'hot' call.

Ms. Stillman asked if there is a written policy that outlines Sheriff Winder's centralized philosophy of police work, where the resources belong to the Sheriff's department and are to be allocated as demand warrants.

Lt. Fassett said he does not know if that is a policy. He said that by the nature of the Sheriff's elected position, all deputies are deputized to the Sheriff and he is responsible for all of their actions, deployment, and everything they do.

- 3.1.7 Councilman Bracken asked how many alarm calls are responded to each month.

Detective Ford said that there are about 21 per month with the majority being false alarms.

- 3.1.8 Mayor Cullimore said the main concern is the philosophical difference between the City and the Sheriff on the administration of law enforcement assets. The concern is that the Cottonwood Heights' officers consider themselves more a part of the Sheriff's department responding to whatever the Sheriff's department needs regardless of the needs in the city. Improved policies would go a long way toward helping better define the role of the officers in serving the city.

Lt. Fassett said it needs to be addressed and clear in everyone's mind. He said that the deputies in Cottonwood Heights are committed to working in the City.

4.0 ACTION ITEMS

- 4.1 **Consideration of Ordinance No. 103 Amending Chapter 2.10, Cottonwood Heights Code of Ordinances, to Include New Section 2.10.110, "Administrative Search Warrants"**

- 4.1.1 City Attorney Shane Topham explained that Ordinance No. 103 is an amendment to Chapter 2.10 of the Administrative Code to add a new Section 100 entitle "Inspection Authority". The city has perceived a need to provide a framework in the ordinances for the conduct of inspections that are authorized throughout the code. He explained that when people apply for a business license or short-term rental permit, there would be an inspection associated with that permit. Additionally, during the course of a short-term rental permit, if it appears that a violation of the ordinance is occurring, the City would have an inspection right. The new section details how the City can exercise its inspection authority in such situations.

- 4.1.2 **MOTION:** Councilman Antczak moved to approve Ordinance No. 103. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote.

- 4.2 **Consideration of Ordinance No. 104 Amending and Restating Chapter 19.89 "Short-Term Rentals" of the Cottonwood Heights Code**

- 4.2.1 Mr. Topham explained that Ordinance No. 104 is a redraft of Chapter 19.89 dealing with Short-Term Rentals and reviewed the changes that have been made.
- 4.2.2 Tristan Webb, representing homes on Valiant Drive with Utah Vacation Homes, thanked the Council. He questioned the requirement for a 'live' person to answer the phone, versus a system, to respond. He stated that he believes it is less reliable to have a 'live' person. He said that the Planning Commission indicated they may have designs on using this ordinance to achieve a different goal than was originally set. He said that there have been significant investments made

as a result of the current ordinance, and if the design is to have teeth to take care of problems they applaud this ordinance, but if the design is to extend past that he would like to know so that business decisions can be made. Mr. Webb explained that the City has granted homes licenses to have a maximum occupancy of 13 adults, and those homes have been sold for the Christmas holidays.

Mayor Cullimore said that everyone heard the comment Chairman Bowen made last week, but it was his personal perspective and not an authoritative statement representing the position of the Council or Planning Commission. He explained that the Planning Commission is an independent body that can propose changes to the City code, but ultimately that type of ordinance would come to the City Council. If there was intent to do away with short-term rentals altogether, it would be a lengthy process that could take extended time and financial considerations.

- 4.2.3 Janelle Eurick, representing David Gordon, Mary Lane and several other homeowners, expressed concern about the statement that was made that this applies to the homeowners themselves when they are using the home. She said that she does not read the definition of short-term rentals to apply to the owner of the property and believes it only applies to tenants. She said this is a major concern to her clients that they cannot use all of the bedrooms in the home for their children. She asked the City to reconsider that change.

Mayor Cullimore said that the City understands the concern of the homeowners, but it becomes difficult to treat it as a business one week and not as a business the next week. The neighbors do not know any different, and the nature of the rental makes it a commercial enterprise. He said that even the owners that come in from out of state to stay for a few weeks do not have the vested interest in the neighborhood that a permanent resident might have and that is why the ordinance is crafted more broadly.

Ms. Eurick stated that her clients should be given the opportunity to review the most recent draft before it is acted on.

Mayor Cullimore noted that Ms. Eurick's comments were taken into consideration and as a result of those comments made several changes.

- 4.2.4 **MOTION:** Councilman Antczak moved to adopt Ordinance No. 104. The motion was seconded by Councilman Jones and passed unanimously on a roll call vote.

4.3 **Consideration of Resolution No. 2007-46 Approving an Interlocal Agreement with Holladay City for Development Services at Approximately 6600 South 3000 East (Big Cottonwood Creek Association, LC)**

- 4.3.1 **MOTION:** Councilman Bracken moved to approve Resolution No. 2007-46. The motion was seconded by Councilman Thomas and passed unanimously on a roll call vote.

4.4 **Consideration of Resolution No. 2007-48 Approving the Transition Team for the New School District**

- 4.4.1 Mayor Cullimore said that the people that have been appointed are Jason Burningham, Robert Day, Steve Newton, DeVon Sanderson, and LaMont Smith. Alternates include David Doty, Michael Peterson, and Michael Shelton.

4.4.2 **MOTION:** Councilman Bracken moved to approve Resolution No. 2007-48 approving the transition team for the new school district. The motion was seconded by Councilman Antczak and passed unanimously on a roll call vote.

5.0 **ADJOURN BUSINESS MEETING AND RECONVENE WORK SESSION**

5.1 Councilman Bracken moved to adjourn the business meeting and reconvene the work session. The motion was seconded by Councilman Thomas and passed unanimously on a voice vote. The business meeting adjourned at 8:45 p.m.

Approved: January 8, 2007

Kelvyn Cullimore, Jr., Mayor

Don Antczak, Councilman

Scott Bracken, Councilman

Bruce Jones, Councilman

Gordon Thomas, Councilman